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1/27/2021	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DELASHAUN DEAN,

13 Defendant.

14 Case No. 2:20-mj-00901-VCF

15 ORDER to Continue the Preliminary
16 Hearing (Second Request)

17 It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United
18 States Attorney, through Jim W. Fang, Assistant United States Attorney, and Erin M.
19 Gettel, Assistant Federal Public Defender, counsel for Defendant, that the preliminary
20 hearing in the above-captioned matter, previously scheduled for January 29, 2020, at 4:00
p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90
days from the current setting.

21 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the
22 defendant’s consent and upon a showing of good cause—taking into account the public
23 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
24 limits [for preliminary hearings] one or more times.” Here, the parties have agreed to a pre-

1 indictment plea and submitted it for the court's consideration. Additional time is needed to
2 allow the court to consider whether to accept the plea.

3 2. This continuance is not sought for the purposes of delay, but to allow the
4 court an opportunity to examine the merits of this case before deciding whether to accept
5 the parties' plea agreement.

6 3. Defendant is in custody and agrees to the continuance.

7 4. Denial of this request could result in a miscarriage of justice, and the ends of
8 justice served by granting this request outweigh the best interest of the public and the
9 defendants in a speedy trial.

10 5. The additional time requested by this stipulation is excludable in computing
11 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
12 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

13 DATED this 27th day of January, 2021.

14 NICHOLAS A. TRUTANICH
15 United States Attorney

16 *s/ Jim W. Fang*
17 JIM W. FANG
Assistant United States Attorney
Counsel for the United States

18 *s/ Erin M. Gettel*
19 ERIN M. GETTEL
20 Assistant Federal Public Defender
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

V.

DELASHAUN DEAN,

Defendant.

Case No. 2:20-mj-00901-VCF

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. A plea agreement has been reached between the parties, and the agreement has been submitted for the court's consideration. The Court finds good cause to continue the hearing to allow the court additional time to decide whether to accept the plea.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the court an opportunity to examine the merits of this case before deciding whether to accept the parties' plea agreement.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

1 6. The additional time requested by this stipulation is excludable in computing
2 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
3 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

4 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearings in the
5 above-captioned matter, previously scheduled for January 29, 2021, at 4:00 p.m., be vacated
6 and continued to 4/29/2021 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

7 DATED this ²⁷ day of January, 2021.



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9 HONORABLE CAM FERENBACH
10 UNITED STATES MAGISTRATE JUDGE
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